THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.22893 OF 2006

BETWEEN:

Veeravalli Bhadrachalam son of V.Sree Ramulu

..Petitioner

vs.

The District Collector, West Godavari District and another

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.22893 OF 2006

ORAL ORDER

The counsel for the petitioner at the admission hearing states that the impugned notice dated.09-09-2006 has been issued by the 2nd respondent in Form.7 being a notice under Section.9 (3) and 10 of the Land Acquisition Act,1894 (for short "The Act") even without issuance and publication of a declaration under Sec.6 of the Act, in respect of the petitioner's land in an extent of Ac.0.44 cents in R.S.No.24/1 of Vendra Agraharam, Palaconda Mandal, West Godavari District. It is fairly conceded by the learned Government Pleader for Land Acquisition that a notice or proceedings under Sec.9(3) and 10 of the Act could not be issued without a notification and declaration under Sec.6 of the Act having been issued.

The writ petition is accordingly disposed of declaring that if the respondents had not issued a declaration under Sec.6 of the Act in respect of the aforementioned lands, then and in such an event the impugned notice dated.09-09-2006 issued by the 2nd respondent in Form No.7 being a notice under Sec.9 (3) and 10 of the Act, is invalid. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

24TH NOVEMBER 2006

***TSNR**